

PRESS RELEASE

FOR IMMEDIATE RELEASE
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TWICE CONVICTED FELON WHO SHOTS HIMSELF IS CONVICTED OF BEING IN POSSESSION OF A FIREARM AND AMMUNITION

TUCSON, ARIZONA -- Paul K. Charlton, U.S. Attorney for the District of Arizona, and Virginia O'Brien, Special Agent in Charge for the Bureau of Alcohol, Tobacco, Firearms, and Explosives announced that on October 30, 2003, James Dietrick Leavitt, 12-15-64, of Benson, Arizona, was found guilty of being a Prohibited Person in Possession of a Firearm and Ammunition, by a federal jury at Tucson, Arizona.

The evidence at trial showed that on August 7, 2002, Tucson Police Officers responded to a call of shots fired in the area of Prince and Romero. When officers arrived they found LEAVITT lying on the ground next to his motorcycle with blood on his leg. At first LEAVITT told the officers that someone shot him, however, he quickly changed his story and admitted that the firearm was hidden in a saddle bag on his motorcycle. TPD officers found the firearm wrapped in a Red Devils Motorcycle Club vest inside a saddle bag. The case was referred to ATF for further investigation. ATF Agent Ricardo Serrano learned through his investigation that LEAVITT was a convicted felon. Agent Serrano's investigation revealed that

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LEAVITT was convicted in Sacramento, California of False Imprisonment with Violence on April 22, 1993, and Aggravated Assault with a Deadly Weapon on December 15, 1994. LEAVITT testified that the firearm belonged to an ex-girlfriend and that he was returning it to her when it fell out of his vest pocket and shot him in the groin.

JAMES DIETRICK LEAVITT, had been charged with violating Title 18 of the United States Code, Section 922(g)(1). The case was tried before United States District Court Judge John M. Roll on October 28-30, 2003. The defendant is being held pending sentencing on February 4, 2004. A conviction for being a Prohibited Person in Possession of a Firearm carries a maximum penalty of 10 years, a \$250,000 fine or both. Sentencing is set before Judge John M. Roll on February 4, 2004.

The investigation leading to the guilty verdict was conducted by the Tucson Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives. The prosecution is being handled by Maria S. Davila, Assistant United States Attorney, District of Arizona, Tucson, Arizona.

CASE NUMBER : CR-03-419-TUC-JMR
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